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ZONING

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ZONING

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Is your rural neighborhood changing? What kind of place will it be next year? in 5 years? after that?

Will it develop into the kind of community you and your neighbors want? Or will it become a haphazard mixture of conflicting land uses? Such a mixture often depresses property values and causes friction among neighbors.

The principal public way available to citizens for guiding the growth of their community toward desired ends is to use the planning-zoning process. More and more, rural people are doing this through their local governing bodies aided by community planning and zoning boards.

Planning and zoning boards are local public agencies established to serve their counties, towns, or townships. The boards are usually appointed by the elected local governing body. Public hearings

at which all interested citizens may appear and be heard are required before proposed plans and zoning regulations, or changes in them, can be officially adopted. Appeal procedures and other safeguards are provided by law.

Planning and zoning are not new and untried. Through long and varied experience in the United States acceptable principles and procedures, sanctioned by the courts, have been developed. But effective planning and zoning depend on the sustained interest and support of an informed citizenry.

A COMPREHENSIVE PLAN

Zoning is most successful in a community that has worked out a comprehensive plan of development. Such a plan outlines what the community wants in the

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future and suggests how present and future improvements and land uses should be related.

The comprehensive plan should be based on a study of resources, problems, needs, and potentials of the community.

Usually the comprehensive plan is set forth in a series of maps and proposals for future improvements. One or more of these maps indicate areas suitable for industry, business, homes, farming, recreation, and other uses.

These maps can help the community establish the various kinds of zones needed to carry out the master plan.

WHAT IS ZONING?

Zoning is a two-part process.

First, the community is divided by means of a local zoning ordinance into suitable kinds of districts (or zones) for different general uses.

Most county ordinances establish industrial, business, residential, and agricultural zones as a minimum. Some forested counties have created forestry zones and one or more kinds of recreational districts.

Fast-growing counties near a big city may need two or three kinds of zones each for residences, for business, and for industry, in addition to one or more kinds of farming districts.

Second, within each zone local regulations are applied to limit one or more of the following:

1. Dimensions of buildings and other structures. Farm buildings are usually exempted.
2. Size of the building lot or tract used for non-farm purposes and the part of the tract that can be covered by buildings.
3. Density of population, especially in residential areas.
4. The broad purposes for which the buildings and land may be used.

Most of these regulations are used in nonfarm zones. Those used in farm zones are designed to protect agriculture, not to regulate it.

Although regulations vary by zones, within each zone all properties of the same kind or class must be treated alike.

CAN EVERY COMMUNITY ZONE?

A community can zone only if it has been granted zoning powers by the State legislature.

Usually zoning powers are granted to local units of government (county, town, or township) by enabling acts. These acts indicate the scope that zoning may have—the areas that may be zoned, zoning tools that may be used, and the way in which these tools are to be used.

Zoning is a public regulatory power. It may be used only to safeguard or promote public health safety, morals, or the general welfare.

Over four-fifths of the 3,000 counties in the United States have been granted zoning powers by State legislatures. In addition, in some States towns or townships are authorized to zone. Most of the enabling acts permit the designated local unit to zone all the area within its boundaries except those areas that are incorporated cities or villages.

WHY ZONE RURAL AREAS?

Why zone an area that is primarily agricultural?

Mainly to protect the farmer. However, other residents, present and future, will also benefit from zoning regulations that prevent harmful land uses.

Without zoning, any neighborhood can become a dumping ground for activities that are prohibited elsewhere. A farm for the disposal of garbage and offal . . . a junkyard . . . a rendering plant—these are examples of some activities prohibited or strictly regulated in some rural neighborhoods.

Lack of zoning also permits a widespread scattering of nonfarm residences and subdivisions all over the farm countryside. Sooner or later this unguided urban invasion (sometimes called "urban sprawl") creates problems for both the farmer and the nonfarm resident.

Lack of zoning often encourages waste of land, water, recreation, forest, and tax resources. And it may foreclose forever the opportunity to realize the community's best growth potentials.

Protection for the Farmer

Wise zoning can protect the farmer by preventing three main kinds of problems.

1. Excessive taxes.—Farmers on the fringe of an urban area often have tax problems. Not only may the farmer have to pay for services he doesn't want or need, but he may have to pay more for them than his nonfarm neighbor. This inequity is the result of basing taxes on the assessed valuation of land. Often the assessed valuation of the farm goes up because the farm is assessed as a potential subdivision, not as an operating farm.

A scattered population can raise taxes for everyone in the area by raising the costs per family of such needed public services as roads, schools, and police and fire protection.

2. Damage to agricultural operations.—Often unguided urban expansion takes the best farmland; a wiser division of land resources would encourage both farming and urban growth.

Other kinds of urban-caused damage include:

Lowering of the underground water table by pumping of water to scattered subdivisions.

Flooding of farmlands by rapid runoff of water from roofs and streets of subdivisions.

Injury to irrigated crops caused by pollution of streams.

Contamination of farmers' wells by septic tanks.

Injury to crops because of air pollution.

3. Curtailment of normal farming practices.—Nonfarm residents may object to some normal farming operations and practices. Their objections may result in prohibition or regulation of such activities by health authorities.

Examples of results of normal farming practices that may be objected to: Smoke from smudgepots; dust from farming operations; noises made by farm animals and by tractors that operate at night and in the early hours of the morning; poisonous pesticide sprays and dusts used on tree and field crops; odors from poultry and livestock.

Protection for Others

Nonfarm rural residents.—Zoning regulations that cut down on high costs of public services save taxes for nonfarm residents as well as farmers.

Zoning can also help keep a neighborhood a decent, safe, healthful, and pleasant place to live by protecting the area from a mixture of conflicting land uses. For example, it can keep taverns, junkyards, and other unwanted establishments from moving onto the vacant lots across the street or around the corner. Keeping the neighborhood from deteriorating, of course, protects the family's investment in a home.

City business enterprises.—Many city businesses—farm supply and service firms, marketing outlets, processing plants—depend on the farmer. Therefore, zoning that protects the farmer indirectly protects these businesses and the city dwellers who depend on these businesses for a livelihood.

Rural Development Program.—This program is bringing more and more off-farm jobs to rural areas. The jobs are in industry, business, forestry, recreation, or other enterprises, the nature of the new jobs depending on the locality. Many counties and towns or townships that are participating in this program find it prudent to zone for industry the good industrial sites that are needed for expansion of the employment base and the property tax base. Future traffic problems may be avoided by a wise selection and zoning of areas for coming shopping centers. Other communities may want to use zoning tools to restore and protect forestry and recreational values.

WHEN IS THE BEST TIME TO ZONE?

In general, the sooner zoning is started the better. Zoning is most effective if it is used before new patterns of land use are established.

Zoning cannot be used to remove objectionable buildings or stop objectionable uses of land that were established before zoning. Usually these "nonconforming" buildings or structures may continue. Ordinarily the owner of a nonconforming property may use it as he has in the past, and anyone who buys it may carry on as before. Common examples of nonconforming uses are factories or stores in zones set aside for homes.

Waiting "until later" to zone is often a disadvantage to farmers. As the population of the community grows, the farmers may soon be outnumbered (and outvoted) by newcomers whose wants and needs for the future may not be the same as those of the farmer.

WHAT YOU CAN DO

If you want zoning for your community, find out what must be done and who must do it.

The first place to go to for advice is your county agricultural agent. He will have information and suggestions, or he can direct you to someone else who can help you. Other sources of information include local planning and zoning agencies, State agricultural experiment stations, colleges, and universities. Some States have State planning and development organizations and similar agencies that may be helpful. National organizations in the planning and zoning field are the American Society of Planning Officials, 1313 East 60th Street, Chicago, Ill. 60637; and the American Institute of Planners, 917 15th Street NW, Washington, D.C. 20005.

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Ribbon housing along country roads surrounds remaining farms. Such unplanned growth raises taxes for farmers and creates urban-agricultural conflict.

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